

REMARKS

Claims 1-15 remain pending in the above-identified patent application. Claims 1-15 are rejected. Claim 1, 2 and 9 are objected to. Claims 1-15 are amended herein. No new matter has been added as a result of these amendments.

ALLOWABLE SUBJECT MATTER

Examiner has submitted that Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, 2nd paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicants wish to thank Examiner for bringing this allowable subject matter to the Applicants attention.

SPECIFICATION

Examiner has requested that the above-identified patent application be submitted with 1½ or double-spaced lines, on good quality paper. Applicants have reviewed the above-identified patent application, as originally filed, and respectfully submit that the above-identified patent application was originally submitted with 1½ line spacing. Therefore, Applicants respectfully request that the Examiner's request for a subsequent submission of the above-identified patent application be withdrawn for at least this rationale.

The foregoing notwithstanding, the above-identified patent application has been published and is available on Public PAIR, wherein the above-identified patent application may be accessed in its original format, as filed, as well as a searchable ASCII format generated by the USPTO. Therefore, in so much as multiple formats of the above-identified patent application are currently available, wherein each of such formats are sufficiently legible, and in so much as the original format of the above-identified patent application was acceptable to the USPTO when the above-identified patent application was published, Applicants respectfully request that the Examiner's request for a subsequent submission of the above-identified patent application be withdrawn.

DRAWINGS

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because reference numbers 130, 132 and 134 in Figure 1 are not defined in the specification of the above-identified patent application. Applicants have submitted herewith a corrected drawing sheet for Figure 1, in compliance with 37 C.F.R. § 1.121(d), so as to delete reference numbers 130, 132 and 134. In so much as the Examiner's objection to the drawings is now considered moot, Applicants respectfully request that the objection to the drawings be withdrawn.

CLAIM OBJECTIONS

Claims 1 and 9 have been objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a

previous claim. With respect to Claims 1 and 9, Applicants respectfully point out that Claims 1 and 9 are presented in independent form, and are not dependent on any other claim. Therefore, in so much as Claims 1 and 9 have not been presented in dependent form, Applicants respectfully point out that the objection to these claims as being of improper dependent form be withdrawn.

Examiner has also suggested that the terms “*an* content object” in Claims 2 and 9 be changed to “*a* content object”. Applicants have amended Claims 2 and 9 so as to change the terms “*an* content object” in Claims 1 and 9 to “*a* content object”. In addition, with respect to Claim 2, Applicants respectfully point out that Claim 2 is dependent on Claim 1, and recites further features of the present claimed invention. Furthermore, with respect to Claim 9, Applicants respectfully point out that Claim 9 is presented in independent form, and is not dependent on any other claim.

Applicants respectfully submit that Claims 1, 2 and 9 have been presented in an allowable form for at least the foregoing rationale. Therefore, Applicants respectfully submit that the objections to Claims 1, 2 and 9 be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 1, 2-8, 9 and 15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected in view of the terms “a server” in line 10 as being unclear in regards to whether “a server” is the same server or a different server from “a server” in line 3. Applicants respectfully point out that the terms “a server” in line 10 of Claim 1 have been removed from Claim 1. In so much as the terms “a server” have been removed from Claim 1, Applicants respectfully request that the aforementioned rejection of Claim 1 be withdrawn.

Claim 1 is further rejected in view of the term “such” in line 4. Applicants respectfully point out that the term “such” has been removed from Claim 1. In so much as the term “such” has been removed from Claim 1, Applicants respectfully request that the aforementioned rejection of Claim 1 be withdrawn.

Claim 2 is rejected in view of the terms “the buffer” in line 12. Applicants have amended Claim 2 such that the previous phrase “the buffer” now reads “the first running buffer”. In so much as a sufficient antecedent basis exists for the phrase “the first running buffer”, Applicants respectfully request that the aforementioned rejection of Claim 2 be withdrawn.

Claim 2 is further rejected in view of the terms “the first buffer” in line 7. Applicants have amended Claim 2 such that the previous phrase “the first buffer” now reads “the first running buffer”. In so much as a sufficient antecedent basis

exists for the phrase “the first running buffer”, Applicants respectfully request that the aforementioned rejection of Claim 2 be withdrawn.

Claim 2 is further rejected in view of the terms “the same” in line 23. Applicants respectfully point out that the term “same” has been removed from Claim 2. In so much as the term “same” has been removed from Claim 2, Applicants respectfully request that the aforementioned rejection of Claim 2 be withdrawn.

Claim 9 is rejected in view of the terms “the buffer” in line 10. Applicants have amended Claim 9 such that the previous phrase “the buffer” now reads “the first running buffer”. In so much as a sufficient antecedent basis exists for the phrase “the first running buffer”, Applicants respectfully request that the aforementioned rejection of Claim 9 be withdrawn.

Claim 9 is further rejected in view of the terms “the first buffer” in line 7. Applicants have amended Claim 9 such that the previous phrase “the first buffer” now reads “the first running buffer”. In so much as a sufficient antecedent basis exists for the phrase “the first running buffer”, Applicants respectfully request that the aforementioned rejection of Claim 9 be withdrawn.

Claim 9 is further rejected in view of the terms “the same” in line 20. Applicants respectfully point out that the term “same” has been removed from

Claim 9. In so much as the term “same” has been removed from Claim 9, Applicants respectfully request that the aforementioned rejection of Claim 9 be withdrawn.

Claims 8 and 15 are rejected in view of the terms “S_i”, “E_i” and “D_i” for failing to define “i” or the boundaries of “i” to a specific range or a finite number. Applicants respectfully point out that the terms “S_i”, “E_i” and “D_i”, as well as the terms “L” and “S_{latest}”, have been removed from Claims 8 and 15, but so as to retain the allowable subject matter pinpointed by Examiner. In so much as the terms “S_i”, “E_i” and “D_i”, as well as the terms “L” and “S_{latest}”, have been removed from Claims 8 and 15, Applicants respectfully request that the aforementioned rejection of Claim 8 and 15 be withdrawn.

Claims 8 and 15 are further rejected as being unclear in how Claims 8 and 15 include a plurality of buffers each having a start time while independent Claims 2 and 9 only define a single buffer. Applicants respectfully point out that each of Claims 2 and 9 comprise the feature: “a first running buffer”. Moreover, Applicants have amended Claims 8 and 15 to comprise the feature “a second running buffer”. In so much as Claims 8 and 15 comprise “first and second running buffers”, Applicants respectfully submit that the aforementioned rejection of Claims 8 and 15 is moot, and respectfully request that the aforementioned rejection of Claims 8 and 15 be withdrawn. Moreover, in so much as Claim 15,

and similarly Claim 8, is directed to allowable subject matter, allowance of Claims 8 and 15 is respectfully requested.

Claims 2-8 are rejected as being ambiguously constructed and indeterminate in scope in that they purport to claim both a system and method. Applicants respectfully point out that Claims 2-8 have been amended so as to clearly claim a method of delivering objects from servers to clients. In so much as Claims 2-8 have been amended so as to clearly claim a method, Applicants respectfully request that the aforementioned rejection of Claims 2-8 be withdrawn.

For at least the foregoing rationale, Applicants respectfully request that the rejections of Claims 1, 2-8, 9 and 15 under 35 U.S.C. § 112, second paragraph, be promptly withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 101

Claims 2-8 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, Examiner has interpreted one or more of these claims to embrace or overlap two separate statutory classes of invention set forth in 35 U.S.C. § 101 in a single claim.

Applicants respectfully point out that Claims 2-8 have been amended so as to clearly claim a method. In so much as Claims 2-8 have been amended so

as to clearly claim a method, Applicants respectfully request that the rejection of Claims 2-8 under 35 U.S.C. § 101 be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 102(b)

Claims 1-7 and 9-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vahalia et al. (U.S. Patent No. 5,933,603). Applicants have reviewed the above-cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-7 and 9-14 are not anticipated by Vahalia for at least the following rationale.

I. Independent Claim 1

Independent Claim 1, as amended, recites the features (emphasis added):

A network proxy server comprising:
a network connection configured to receive content-object requests generated by a plurality of clients, said content-object requests requesting a content-object from a server;
a plurality of moving-window buffers coupled with said network connection, said plurality of moving-window buffers being configured to service said content-object requests; and
first and second content buffers coupled with said network connection, said first content buffer being configured to duplicate a first portion of a content passing from said server to said plurality of clients, cache said first portion, and provide said first portion to a subsequent client in response to a request for said first portion, and said second content buffer being configured to duplicate a second portion of said content and cache said second portion, and wherein said first and second content buffers are further configured to simultaneously provide said first and second portions of said content to said subsequent client in response to a request for said first and second portions.

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants respectfully submit that Vahalia fails to disclose each and every element of Claim 1, arranged as in the claim. Applicants understand Vahalia to teach "maintaining and dynamically allocating sliding windows of video data in the random access memories of the stream server computers." See Abstract of Vahalia. Applicants further understand Vahalia to teach "[w]hen a stream server computer becomes overloaded or nearly overloaded by client requests, the reserve memory in another stream server computer is allocated to store a duplicate of the original portion of the data set in the stream server that is overloaded." Vahalia, column 3, lines 28-32. Applicants do not understand Vahalia to anticipate, for example:

a plurality of moving-window buffers coupled with said network connection, said plurality of moving-window buffers being configured to service said content-object requests; and
first and second content buffers coupled with said network connection, said first content buffer being configured to duplicate a first portion of a content passing from said server to said plurality of clients, cache said first portion, and provide said first portion to a subsequent client in response to a request for said first portion, and said second content buffer being configured to duplicate a second portion of said content and cache said second portion, and wherein said first and second content buffers are further configured to simultaneously provide said first and second portions of said content to said subsequent client in response to a request for said first and second portions.

as claimed (emphasis added).

As stated above, Applicants understand Vahalia to teach “maintaining and dynamically allocating sliding windows of video data in the random access memories of the stream server computers.” See Abstract of Vahalia (emphasis added). Applicants further understand Vahalia to teach “[w]hen a stream server computer becomes overloaded or nearly overloaded by client requests, the reserve memory in another stream server computer is allocated to store a duplicate of the original portion of the data set in the stream server that is overloaded.” Vahalia, column 3, lines 28-32 (emphasis added).

However, Applicants do not understand “maintaining and dynamically allocating sliding windows of video data in the random access memories of the stream server computers” or “[w]hen a stream server computer becomes overloaded or nearly overloaded by client requests, the reserve memory in another stream server computer is allocated to store a duplicate of the original portion of the data set in the stream server that is overloaded” to anticipate, for example, “a plurality of moving-window buffers coupled with said network connection, said plurality of moving-window buffers being configured to service said content-object requests; and first and second content buffers coupled with said network connection, said first content buffer being configured to duplicate a first portion of a content passing from said server to said plurality of clients, cache said first portion, and provide said first portion to a subsequent client in

response to a request for said first portion, and said second content buffer being configured to duplicate a second portion of said content and cache said second portion, and wherein said first and second content buffers are further configured to simultaneously provide said first and second portions of said content to said subsequent client in response to a request for said first and second portions", as claimed.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Vahalia under 35 U.S.C. §102(b). As such, allowance of Claim 1 is respectfully requested.

II. Independent Claims 2 and 9

Independent Claim 2, and similarly independent Claim 9, as amended, recites the features (emphasis added):

A method of delivering objects from servers to clients, said method comprising:

- receiving a first request for a content object from a first client;
- allocating a first running buffer;
- retrieving the content object as a datastream having a start point and inserting the datastream into the first running buffer while delivering the datastream to the first client;

- when the first running buffer is filled, deleting data from the start point of the datastream while continuing to insert retrieved data into the first running buffer so that the first running buffer contains a moving window of the retrieved data;

- receiving a second request for the content object from a second client;

- if the second request is received while the start point of the datastream is still in the first running buffer, serving the content object directly from the first running buffer; and

- if the second request is received after the start point has been deleted from the first running buffer, retrieving a portion of the content

object that has been deleted from the first running buffer, commencing from the start point, and delivering the datastream while simultaneously delivering a different part of the content object from the first running buffer.

Applicants respectfully submit that Vahalia fails to disclose each and every element of Claim 2, and similarly Claim 9, arranged as in the claim. Applicants understand Vahalia to teach “maintaining and dynamically allocating sliding windows of video data in the random access memories of the stream server computers.” See Abstract of Vahalia. Applicants further understand Vahalia to teach “[w]hen a stream server computer becomes overloaded or nearly overloaded by client requests, the reserve memory in another stream server computer is allocated to store a duplicate of the original portion of the data set in the stream server that is overloaded.” Vahalia, column 3, lines 28-32. Applicants do not understand Vahalia to anticipate, for example:

retrieving the content object as a datastream having a start point and inserting the datastream into the first running buffer while delivering the datastream to the first client; ... and

if the second request is received after the start point has been deleted from the first running buffer, retrieving a portion of the content object that has been deleted from the first running buffer, commencing from the start point, and delivering the datastream while simultaneously delivering a different part of the content object from the first running buffer,

as claimed (emphasis added).

As stated above, Applicants understand Vahalia to teach “maintaining and dynamically allocating sliding windows of video data in the random access memories of the stream server computers.” See Abstract of Vahalia (emphasis

added). Applicants further understand Vahalia to teach “[w]hen a stream server computer becomes overloaded or nearly overloaded by client requests, the reserve memory in another stream server computer is allocated to store a duplicate of the original portion of the data set in the stream server that is overloaded.” Vahalia, column 3, lines 28-32 (emphasis added).

However, Applicants do not understand “maintaining and dynamically allocating sliding windows of video data in the random access memories of the stream server computers” or “[w]hen a stream server computer becomes overloaded or nearly overloaded by client requests, the reserve memory in another stream server computer is allocated to store a duplicate of the original portion of the data set in the stream server that is overloaded” to anticipate, for example, “retrieving the content object as a datastream having a start point and inserting the datastream into the first running buffer while delivering the datastream to the first client; ... and if the second request is received after the start point has been deleted from the first running buffer, retrieving a portion of the content object that has been deleted from the first running buffer, commencing from the start point, and delivering the datastream while simultaneously delivering a different part of the content object from the first running buffer”, as claimed (emphasis added).

For at least the foregoing rationale, Applicants respectfully submit that Claim 2, and similarly Claim 9, as amended, is not anticipated by Vahalia under

35 U.S.C. §102(b). As such, allowance of Claims 2 and 9 is respectfully requested.

With respect to Claims 3-8, Applicants respectfully point out that Claims 3-8 depend from allowable amended independent Claim 2, and recite further features of the present claimed invention. With respect to Claims 10-15, Applicants respectfully point out that Claims 10-15 depend from allowable amended independent Claim 9, and recite further features of the present claimed invention. Therefore, Applicants respectfully submit that Claims 3-8 and 10-15 overcome the rejections under 35 U.S.C. §102(b), and that these claims are thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 3-8 and 10-15 is respectfully requested.

CONCLUSION

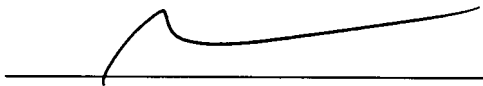
In light of the above listed remarks and amendments, as well as the Replacement Sheet for Figure 1 submitted herewith, it is respectfully submitted that the specification and drawings of the above-identified patent application, as well as Claims 1, 2 and 9, overcome the objections of record. Therefore, withdrawal of the aforementioned objections is respectfully solicited.

Moreover, in light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the amendments and arguments presented above, it is respectfully submitted that Claims 1-15 overcome the rejections of record. Therefore, allowance of Claims 1-15 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,
WAGNER BLECHER LLP

Date: 10/22/07



John P. Wagner, Jr.
Reg. No. 35,398

WESTRIDGE BUSINESS PARK
123 WESTRIDGE DRIVE
WATSONVILLE, CALIFORNIA 95076
(408) 377-0500